

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

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MAILED
FEB 25 2002
PAT. & T.M. OFFICE

Opposition Nos. 120,739
121,006
150,113

Mercator Software, Inc.

v.

Mercata, Inc.

The parties' stipulation (filed January 8, 2002) to consolidate the above-captioned proceedings and to suspend proceedings for settlement negotiations is granted. Accordingly, the above-captioned proceedings are hereby consolidated and may be presented on the same record and briefs.¹ See Fed. R. Civ. P. 42(a).

The Board file will be maintained in Opposition No. 120,739 as the "parent" case, but all papers filed herein must include the caption as set forth above.²

¹ The Board notes that a registration for application Serial No. 75/789,999, the subject of Opposition No. 150,113, issued inadvertently. The application file will be forwarded to the Office of the Commissioner for Trademarks for cancellation and restoration to pending application status.

² The parties are advised that because the Board has ordered the consolidation of the above-identified proceedings, they should no longer file separate papers, except for the answer, in connection with each proceeding.

Proceedings herein are suspended until six months from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming proceedings and resetting the time for applicant to file an answer or other response to the notices of opposition in each proceeding.³

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.



Karen Kuhlke
Attorney, Trademark
Trial and Appeal Board

³ Applicant's consented motion (filed November 6, 2001) for an extension of time to file an answer in Opposition No. 150,113 is granted to the extent indicated above.